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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,795	07/14/2003	Naoto Yanagihara	2003-0933A	4086
513	7590	06/28/2004	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			SMALLEY, JAMES N	
2033 K STREET N. W.			ART UNIT	
SUITE 800			PAPER NUMBER	
WASHINGTON, DC 20006-1021			3727	

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/617,795

Applicant(s)

YANAGIHARA, NAOTO

Examiner

James N Smalley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art VCR door, in view of Vance US 1,720,020.

The Prior Art VCR door of figs. 4-5 teaches a rectangular plate (1) having pivot pins (2) being supported by counter bearings.

The Prior Art VCR door does not disclose a notched recess with a resilient member fixed to the recess.

Vance '020 teaches a hinged locker door (14) having a coil spring (21) fixed in a recess by engagement pins (22), and with opposite end extensions (23) and (24) on the plate and front panel, serving to bias the door to the closed position. The reference teaches in col. 1, lines 8-10 the benefit of the invention is the spring "may be readily positioned and will not add materially to the cost or difficulty of construction."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the spring bias door of the Prior Art VCR, providing the spring fixed in a recess, and held by engagement pins, motivated by the benefit of readily positioning the spring without adding materially to the cost or difficulty of the construction.

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Examiner further notes the spring location of Vance '020 is a mere mechanical expedient, and one having ordinary skill would have found it extremely obvious to substitute one well-known location for a coil spring for another. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art VCR door, in view of Sullivan US 2,371,557.

The Prior Art VCR door of figs. 4-5 teaches a rectangular plate (1) having pivot pins (2) being supported by counter bearings.

The Prior Art VCR door does not disclose a notched recess with a resilient member fixed to the recess.

Sullivan '557 teaches a hinged connection between a case and cover, comprising a recess with a spring (14), held by engagement pins (13), with one end of the spring provided in a notch (15) and the other in tongue (7). The benefit of the structure is to bias the lid to the open position.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the spring bias door of the Prior Art VCR, providing the spring fixed in a recess, and held by engagement pins, motivated by the benefit of a biasing means serving to bias the VCR door.

Examiner further notes the spring location of Sullivan '557 is a mere mechanical expedient, and one having ordinary skill would have found it extremely obvious to substitute one well-known location for a coil spring for another. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,205,618

US 655,606

US 4,823,438

US 504,403

US 4,307,486

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N Smalley whose telephone number is (703) 605-4670. The examiner can normally be reached on M-Th 9-7:30, Alternate Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jns



LEE YOUNG

SUPERVISORY PATENT EXAMINER  
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